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EXAMINER	
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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID K. HOWINGTON

Appeal 2010-002846
Application 09/981,653
Technology Center 3600

Before: MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R. MOHANTY, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 7 and 9-31[2]. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6 (2002).

The claimed invention is generally directed to systems and methods for casino resort management, and more particularly, to evaluating and improving gaming machine performance (Spec. 2). Claim 7, reproduced below, is further illustrative of the claimed subject matter.

> 7. A casino management method for tracking history of gaming machines and casino locations using a computer system, comprising the steps of:
>
> assigning a respective location identifier to each location within a casino;
>
> associating a respective machine placard, having a placard identifier, with each machine within the casino;
>
> associating a respective machine identifier with each machine within the casino;
>
> storing the location identifier, placard identifier, and machine identifier in a database;
>
> tracking within the database a history of the correlation between location, placard and machine identifiers as machines and placards are moved within the casino; and
>
> generating a report based on the tracked history in the database, the report organized according to any of the location identifier, the placard identifier, and the machine identifier, such that entering the location identifier into the database generates a report identifying machines that have been located at the location corresponding to the location identifier, entering the placard identifier into the database generates a report

[2] Claims 1-6, 32-36, and 44-55 are withdrawn from consideration (App. Br. 2, 13-21).

identifying machines that have been associated with the placard identifier, and entering the machine identifier into the database generates a report identifying any machine that corresponds with the machine identifier.

Claims 7, 9-23, and 26-29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Applicant's Background of the Invention in view of Blad (US Pub. 2001/0048374 A1, pub. Dec. 6, 2001) and Moore (US Pat. 7,084,737 B1, iss. Aug. 1, 2006)[3]; and claims 24, 25, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Appellant's Background of the Invention in view of Blad, Moore, and T.M. Berko, *International Game Technology - Company Report*, 1-2 (Sep. 12, 1989) (hereinafter "Int'l Game Tech.")[4].

We AFFIRM.

ISSUE

Did the Examiner err in asserting that a combination of Appellant's Background of the Invention, database 118 at central site 112 of Blad, and the GPS location detection system of Moore renders obvious the gaming machine and casino location management system recited in independent claims 7, 16, 17, 19, 20, and 26?

[3] The Examiner cancelled the rejection of claim 7 under 35 U.S.C. § 112, second paragraph (Exam'r's Ans. 3).
[4] As Appellants did not address this rejection in the Appeal Brief, we summarily sustain the rejection of claims 24, 25, 30, and 31.

FINDINGS OF FACT

We adopt the Examiner's findings of fact, as set forth on pages 13-19 of the Examiner's Answer.

ANALYSIS

We are not persuaded that the Examiner erred in asserting a combination of Appellant's Background of the Invention, database 118 of Blad, and the GPS location detection system of Moore, renders obvious the gaming machine and casino location management system recited in independent claims 7, 16, 17, 19, 20, and 26 (App. Br. 8-11; Reply Br. 1-3). Appellants assert that neither the Applicant's Background of the Invention nor central site 112 of Blad disclose storing "current and past locations of machines" (App. Br. 10). However, Moore is cited for disclosing location identifier information (Exam'r's Ans. 13-14). *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) ("one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references').

Appellants assert that there is no reason to modify central site 112 of Blad to include the GPS location information of Moore because

> Blad himself saw no reason for the data at the central site 112, accessible by the user, to include even the current location of the machine. Moore is only concerned about the current locations of the vending machines and would not logically enable one to easily find all the vending machines that have occupied the same location, since that would be irrelevant.

(App. Br. 10-11; Reply Br. 1-3). We adopt the Examiner's reasoning, as set forth on pages 14-17 of the Examiner's Answer. Specifically, Blad discloses tracking raw data "for further processing and analysis" (para. [0047]).

Accordingly, we believe the GPS location information of Moore would merely be another form of data collected by central site 112 of Blad, and thus, like the other raw data "for further processing and analysis" in Blad, past GPS location information would also be collected.

Appellant asserts that "the Moore invention is unrelated to slot machines since it is directed to telling the customer where the closest product can be found when the first vending machine is out of the product. That is the only purpose for Moore monitoring the present locations of the machines" (App. Br. 11). However, Appellant's Background of the Invention is cited for disclosing gaming machines (Exam'r's Ans. 4). *See Keller*, 642 F.2d at 426. Furthermore, the *purpose* in Moore for monitoring present locations of machines is irrelevant, so long as Moore discloses *actually* monitoring present locations of machines, which the Examiner then combines with the Appellant's Background of the Invention and Blad to arrive at the subject matter recited in independent claims 7, 16, 17, 19, 20, and 26.

Appellant asserts that the claimed invention includes several advantages not shown in the prior art (Exam'r's Ans. 10-11). However, such advantages are not set forth in the claims. *See CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir. 2005) (while the specification can be examined for proper context of a claim term, limitations from the specification will not be imported into the claims).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

hh

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